

Election Security: Fundamental and Threatened

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The 2020 election year coincides with the 150th anniversary of the Fifteenth Amendment that prohibited the U.S. federal government from denying citizens the opportunity to vote on grounds of “race, color or previous condition of servitude.” And it marks the 100th anniversary of the Nineteenth Amendment to the U.S. Constitution that enshrined women’s right to vote. These historical milestones are timely reminders of how important voting is to the success of our democracy.

Without doubt, voting is the most important tool for creating social change. And now, as the nation debates the reforms needed to address the harsh inequalities revealed by Covid-19 and

responses to the George Floyd killing, voting has never been more critical.

The unfortunate reality is that voting, guaranteed in part, and only after great sacrifice, by the 15th and 19th

Amendments, is undervalued in the United States. In fact, the United States is behind most other developed countries when it comes to voter turnout. For instance in 2016, only 56 percent of the American voting-age population participated in the presidential election.¹ And now additional threats, both from within and without our nation, are poised to erode public confidence in the integrity and value of the voting process itself, further undermining public sup-



A motorist drops off a mail-in ballot at a voting center in Windsor Mill, Maryland, during a 7th Congressional District special election, April 28, 2020. (AP Photo/Julio Cortez, File)

port and participation in this basic civic responsibility—and opportunity.

It is essential to understand the way voting works in order to understand the threats it faces. What does it mean to have “secure” elections? It certainly includes making sure votes can’t be changed, either by hacking into voting systems or altering votes cast by absentee ballots. But it also includes preserving the integrity of the process by ensuring that every eligible voter is able and encouraged to vote safely, preventing foreign adversaries from warping our political discourse, and securing public trust in the legitimacy of the outcome.

Threats to Voting

Unfortunately, a number of domestic laws and measures—intended or not—have acted to suppress voter participation. Many people think that the federal government administers national elections, but in fact, in the United States most voting rules and procedures are determined by the individual states. This system, intended to maximize state autonomy, has had the benefit of raising the overall security of the American voting system by decentralizing it. Nevertheless, this localized process has produced notable inconsistencies and disparities in voting between states (disparities that were on display in states that voted during the current pandemic). Moreover, the resulting voting picture is confusing and provides ample opportunity for misinformation that erodes overall public confidence in election outcomes.

International threats to fair elections also exist. We anticipate more attempts by foreign adversaries that go beyond misinformation and actively use disinformation to undermine the public’s confidence in the integrity of the voting process. The well-documented operations by Russia and other nations to undermine the national elections in 2016 were just the beginning. They have learned how to take advantage of confusing voting systems and to portray them as unreliable or “rigged.” We must be

prepared for even more sophisticated efforts seeking to undermine confidence in every component of our democracy, from the ballot box to the judicial system, that will be called upon to resolve voting disputes.²

The historically low level of voter participation in the United States may reflect that a large percentage of Americans do not believe their vote matters, or they doubt the security and integrity of the process. In some instances, there is perhaps even a combination of both. It is not difficult to imagine that the current crises coupled with the declining trust and confidence in many democratic institutions could depress voter turnout even further in November. Added to this, further efforts to limit voting, or to undermine confidence in election outcomes, may well increase the portion of the American populace that no longer has faith in the importance and integrity of their vote.

The Truth About the Strength of Our Election Infrastructure

When people talk about election security, they usually mean the physical security of voting systems, such as protections against the hacking of voting machines to change actual vote totals. Other concerns include the possible cyber intrusions of systems that tabulate statewide election results or—perhaps worse yet—to manipulate the information that is sent to media outlets, leading to confusing reporting of election results.

The good news is that contrary to common perception our actual election infrastructure is relatively secure, and numerous organizations have worked diligently to enhance our cyber and physical defenses against direct threats to the election and voting in particular.

The first layer of these defenses is the decentralized nature of American voting systems. Each state is in charge of administering and securing its own elec-

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tions, and that decentralization makes it harder for bad actors to interfere with data across the entire country. Though there is no national standard for secure voting systems,³ Congress has provided financial assistance for states to improve the security of their voting systems (though not nearly as much as is needed). Compliance is voluntary,⁴ and not surprisingly, results have been mixed; but it is important to acknowledge some of the security benefits of the current system.

The second layer of defense comes from the federal government. While we do not have federalized elections, numerous federal agencies provide essential support so that states can continue to run their own elections effectively and securely. Notably, the Cybersecurity and Infrastructure Security Agency (CISA) at the Department of Homeland Security works closely with the secretaries of state and state and local government officials to constantly test and secure voting machines.

Even if all security systems are updated, no election will ever be 100 percent secure and flawless. New threats will continue to arise. What's more, election security is not just about the actual security of election systems, but rather the public's perception of the security and integrity of the election. It is for this precise reason that many election security experts have advocated for the universal use of paper ballots—which create a paper trail to make it easier for states to audit election results when there is controversy. This approach would also greatly enhance overall confidence in election results because individuals could verify that their votes were correctly counted.

Relatedly, in response to the global pandemic, there have been calls to expand absentee voting, early-voting options, and the number of polling centers. Though there are always costs and risks associated with hasty changes in election procedures, these accommodations could greatly improve overall voter confidence at a time when some are voicing concerns that some state govern-

ments could intentionally resist change to suppress the vote. Additionally, while opponents to mail-in voting are correct to acknowledge the potential for fraud, it should also be noted that states that have adopted postal voting have experienced an almost negligible amount of fraud—nothing that would by any means indicate a widespread problem.⁵

Intentional and Unintentional Voter Suppression in 2020

Securing our election physical infrastructure is important, but it is not the only thing that must be done. It is arguably even more important that we address problems that erode public confidence in the electoral process, which may be the most threatened factor in our current election cycle.

Ironically, although election decentralization is optimal from a technical standpoint, the fact that voting laws and practices vary from state to state creates confusion and contributes to a lack of understanding about—and thus a lack of confidence in—the overall voting process. As a result, the ways in which states administer their elections often raises questions about whether or not their elections are truly open to the whole voting-age population. Recognizing, and then resisting, threats to voting inclusiveness is a critical capability that every citizen should have, and that requires a clear understanding of the legal framework for voting in the United States and an appreciation for the operational features of voting systems.

Professor Lisa Tetrault recently outlined this framework (see *Social Education*, November/December 2019, pp. 361–368), and she makes clear, to the surprise of many, that there is no constitutionally guaranteed “right to vote,” nor is the federal government charged with establishing and protecting standards and systems to support voting for national office, beyond what is required under the Voting Rights Act of 1965 (VRA) to prevent discrimination based on race or gender. The VRA itself is an example of how the federal government

worked against domestic voter suppression efforts in previous generations. It targeted racially discriminatory voting practices many states used even after the passage of the Fifteenth Amendment.

Nonetheless, elections continue to be run by the states, which means individual states are able to impose their own limitations on who will, or will not, be allowed to vote, as long as these limitations are not based on race and gender and do not restrict voting through poll taxes, as stipulated by the Twenty-Fourth Amendment. The result has been a checkerboard of state laws and procedures. In some states, efforts to limit how voting occurs has led to the disenfranchisement of significant groups of citizens. Qualification requirements also can be fairly perceived as onerous if they bear little resemblance to responsible citizenship. Similarly, time and place limitations for voting can also be implemented in ways that have a disparate impact on certain groups of voters. Such requirements, especially when working in tandem, can easily lead to voter suppression, whether intentional or accidental. These contentious issues are coming to a head with vote-by-mail, as well as decisions to limit or delay voting times, or reduce in-person voting stations, during the pandemic. Issues and accusations have already run high during primary elections in a number of states, including Wisconsin, Kentucky, and Georgia.

These considerations, coupled with the national fears surrounding the safety of our voting systems and exaggerated allegations of fraud, may well combine to reduce trust in the process and voter turnout.

In sum, the diversity of approaches across states, combined with new changes prompted by Covid, creates a confusing picture that is not easily understood by the average citizen. And once again, this lack of a coherent national approach to voting is an invitation to foreign and domestic actors whose goal is to undermine public confidence in the integrity of voting processes and results.

The Threat of Foreign Influence in 2020

Experience teaches us that the seeds of public mistrust are easily sown and multiply rapidly. Adversaries only have to be successful in compromising a handful of local voting systems—or simply claim to have done so—to cast doubt over an entire election.

Thus, even more than the threat of vote manipulation, what is most common and worrisome is that bad actors have identified and seized upon pre-existing societal vulnerabilities and promoted disinformation intended to undermine confidence in both the vote and overall election process—as well as in democracy itself. These narratives take advantage of and distort legitimate domestic frustrations to amplify the notion that democracy is irrevocably broken.

The ultimate goal of these operations is not simply to convince the American public that they should vote for one candidate over the other. As we have seen, most overtly with Russian disinformation operations, Kremlin-backed accounts typically operate on all sides of the political spectrum. These operations are meant to create a sense of overwhelming confusion and despair. If, as some Russian-sponsored programs routinely say, American elections are rigged, the government is run by the political elite, and underdogs or 3rd party candidates

are not given a fair shake in the system, what motivation does the individual citizen have to vote? And if that person is from a state that seems to institutionalize voter suppression in some capacity, what reasonable justification is there to dismiss narratives that undermine democracy and, instead, trust the American election system?

It is important to acknowledge that there are aspects of our electoral system that are inexcusably outdated and yield results that can be perceived as unfair or illegitimate. For the sake of election integrity, security, and inclusivity, all states must revisit and modernize their voting systems to meet emerging threats and changing demographics. Gerrymandering and voter suppression should be opposed and reforms like rank voting and changes to the Electoral College should also be considered. Making appropriate changes not only limits the potential, virality, and success of cyber attacks on our election; it will also show that our democracy can adapt in ways that can make it more equitable and inclusive.

The Role of Civic Education in Achieving in Election Security

Regardless of our actions to mitigate current threats, the cyber threat landscape will continue to evolve, and disinformation efforts that target our democracy

will not disappear. Technical attacks will have their greatest success when they not only disrupt a specific electoral process, but when they also undermine public confidence in, and support for, democratic systems. With this in mind, it is essential that we grow societal resilience against these threats and fully acknowledge the national security imperative of civic education. Our elections, like all other democratic institutions, are facing a crisis of confidence. Civics is the key to reviving shared values and reminding the American public that voting, regardless of any flaws in the election process, is still an essential way to hold our democratic institutions and elected officials accountable. Civic knowledge is the key to understanding and addressing problems in our democratic processes and, thus, is also an essential component of election security.

We are living through unprecedented times, and with the 2020 election fast approaching it sometimes feels as though it is too late to make necessary course corrections. The good news, however, is that in spite of everything, the American public has shown great promise through the current crises. Americans wearing masks and sheltering in place to protect others are demonstrating civic responsibility. When protestors take to the streets, angry and frustrated at the indefensibly slow pace of change, they too

Additional Resources

Lesson Plans

- “Voting During a Pandemic,” PBS NewsHour Extra, www.pbs.org/newshour/extra/daily-videos/super-civics-2020-voting-during-a-pandemic/
- “Pop-Up Diplomacy: Election Security,” Council on Foreign Relations, <https://sharemylesson.com/teaching-resource/model-diplomacy-pop-case-election-security-320500>
- “Safeguarding Democracy: Understanding Allegations of Russian Election Interference,” Choices Program, Brown University, www.choices.edu/teaching-news-lesson/safeguarding-democracy-understanding-allegations-russian-election-interference/

Learn More

- Election Security Background Report, American Bar Association, www.americanbar.org/content/dam/aba/directories/policy/midyear-2020/2020-midyear-118.pdf
- “Can Our Ballots Be Both Secret and Secure?” by Sue Halpern, *The New Yorker*, June 7, 2020, www.newyorker.com/news/the-future-of-democracy/can-our-ballots-be-both-secret-and-secure
- Election Security Best Practices, CIS Center for Internet Security, www.cisecurity.org/elections-resources/
- “Kill Chain: The Cyber War on America’s Elections (film),” HBO (2020), www.hbo.com/documentaries/kill-chain-the-cyber-war-on-americas-elections

demonstrate that they have not given up. They believe they can make a difference because they live in a democracy.

The recent nation-wide demonstrations offer proof that a sizeable portion of the American people are looking for ways to remain civically engaged—they have an innate desire to act in ways that improve our country and support their fellow Americans. The concerning reality is that while Americans desire outlets for civic engagement, past indicators show that certain voting blocs lack a belief that elections are a path for change.⁶ Hopefully, these civically engaged citizens will now also take advantage of the 2020 election to show that voting can be an effective mechanism to bring about real and lasting reform.

There can be little doubt that a secure and reliable system for voting, broadly inclusive of the entire population, is an essential foundation of any good functioning democracy. To take full advantage of voting as a critical tool of reform,

education about current structures, their need for change, and responsive action are also key components of any reform agenda designed in response to the health, economic, and societal problems exposed by the Covid-19 pandemic, economic insecurity, and systematic racism. If Black lives are to matter, universal voting integrity and security must as well. This requires securing the networks of election infrastructure and public education to be sure that public confidence exists in the legitimacy of the election process. 🌐

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Notes

1. Drew Desilver, "U.S. Trails Most Developed Countries in Voter Turnout" (May 21, 2018), www.pewresearch.org/fact-tank/2018/05/21/u-s-voter-turnout-trails-most-developed-countries/
2. See the 2019 CSIS Report, *Beyond the Ballot Box* (CSIS.org) describing attacks on the judicial system.
3. See NIST Voting Systems Guidelines, www.nist.gov/itl/voting
4. See U.S. Election Assistance Commission 2020 funding page, www.eac.gov/payments-and-grants/2020-hava-funds
5. Miles Parkes, "Why Is Voting By Mail (Suddenly) Controversial? Here's What You Need To Know," (June 4, 2020), www.npr.org/2020/06/04/864899178/why-is-voting-by-mail-suddenly-controversial-heres-what-you-need-to-know#GOP
6. A Survey of the GenForward Project at the University of Chicago, <http://genforwardsurvey.com/>

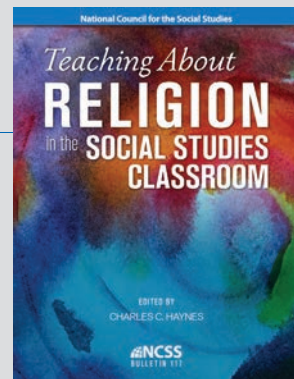
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